Research and Statistics Division

JustResearch

2002 – Issue No. 8

www.canada.justice.gc.ca/en/ps/rs

Welcome

Welcome to the newest edition of JustResearch! In this issue, we are pleased to profile the recent work of Professor Carlo Morselli from the University of Montreal on the relational foundations of criminal enterprise. This work has direct implications for the Department's ongoing research and policy work in the area of organized crime. In addition, we have included research on public attitudes towards conditional sentencing in Canada completed by one of our own research analysts, Trevor Sanders. As usual, we have reviewed several research articles relevant to the ongoing policy work of the Department of Justice in areas such as youth justice, family violence, restorative justice and recidivism among sex offenders.

As we are continuously striving to improve our publication, we encourage and appreciate any comments our readers may have regarding JustResearch. Feel free to send an email to rsd.drs@justice.gc.ca – we look forward to hearing from you. ▲

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2008-05642/

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We invite your comments and suggestions for future issues of JustResearch. We welcome your ideas for articles, themes, topics or issues to examine from the literature and are happy to include information on any relevant and interesting research work undertaken in other Departments.

We may be contacted at rsd.drs@justice.gc.ca

Upcoming Conferences

In Search of Security: An International Conference on Policing and Security
presented by the Law Commission of Canada.
February 19-22, 2003, Montreal, QC, Canada
Theme: Police and security issues and the management and division of labor between public and private police agencies.
www.lcc.gc.ca

What Works in Conditional Release and Community Reintegration
March 3-4, 2003, Montreal, QC, Canada
Theme: The Solicitor General Canada is hosting the first in a series of *What Works* conferences to showcase best practices and engage in research-based discussions on various themes relevant to the Portfolio of Solicitor General Canada.
http://www.csc-scc.gc.ca/text/ne/2_e.shtml

2003 International Domestic Violence, Sexual Assault and Stalking Conference
April 23-25, 2003, San Diego, CA, USA
Theme: Sexual Assault Training & Investigations is hosting this conference in order to explore ways to combat domestic violence, child abuse, stalking and sexual assault.
http://www.mysati.com/2003_conference.htm

Connexions

National Archive of Criminal Justice Data
NACJD makes criminal justice data available to the public for secondary analysis and now has two lists of publications related to data collection. The lists are currently organized by the sponsoring government agency, but will be incorporated in a searchable database in the future.
http://www.icpsr.umich.edu/NACJD

Federal Justice Statistics Resource Center
This site provides access to information about suspects and defendants processed in the United States' Federal criminal justice system. This data is compiled from Federal agencies and includes comprehensive information describing defendants from each stage of the system.
http://fjsrc.urban.org/

United Nations Interregional Crime & Justice Research Institute
This institute conducts international comparative research in support of the United Nations Crime Prevention and Criminal Justice Programme. The web site features a library collection, publications, and a world directory of criminological resources.
http://www.unicri.it/

REVIEWS

CONDITIONAL SENTENCING AND MENTALLY DISORDERED OFFENDERS

Roberts, J.V., & Verdun-Jones, S. (2002). **Directing traffic at the crossroads of criminal justice and mental health: Conditional sentencing after the judgement in Knoblauch.** *Alberta Law Review* 39 (4), 788-809.
Reviewer: Trevor Sanders, Research Analyst

The recent Supreme Court of Canada decision in *R.* v. *Knoblauch* [2000] S.C.J. No. 59 has expanded the possible uses of conditional sentences. In this case, a mentally disordered offender was dealt with outside the prison system. The offender was guilty of the offence but it was acknowledged that he was mentally ill. *Knoblauch* had an extensive history of mental illness and the sentence he received was an attempt to address his illness with the optional conditions of both a conditional sentence order and a probation order. He was required to remain in a secure unit of a psychiatric hospital until a consensus of professional opinion was reached that he could safely be released. It was decided that public safety and the rehabilitation of the offender could best occur in this setting.

This article discusses two areas that are of current interest to the Department of Justice - conditional sentencing and mentally disordered offenders. The Department is actively involved in research related to both of these topics and this includes monitoring significant jurisprudence. The article introduces directions for future research.

In the article, the authors explore the implications of the *Knoblauch* decision for the conditional sentencing regime, the sentencing of mentally disordered offenders and sentencing in general. The case provides for the prospect of increased use of conditional sentences for mentally disordered offenders. If, as in *Knoblauch*, the mentally disordered offender is found criminally responsible and sentenced to reside in a mental health facility this could create resource issues for the provincial mental health systems.

Beyond the use of psychiatric facilities, the case has the potential of expanding the breadth of conditions attached to conditional sentence orders. The notion of community is extended in the *Knoblauch* decision. A conditional sentence is a community-based sanction typically served in the offender's home. This case defines mental health facilities as a community setting.

Based on the incidence of mental disorders in the provincial correctional population the issues raised in Knoblauch will continue to be topics of concern. Data indicate that the lifetime incidence of major mental disorders is "considerably greater among incarcerated offenders than among the general population." A study of provincial inmates is cited that found a 91.7% lifetime prevalence of mental disorder including personality disorders and substance abuse disorders compared to 43.7% for the general population.

The authors note the absence of viable sentencing options for mentally disordered offenders that could result in these individuals being sent to mental health facilities instead of prison. Roberts and Verdun-Jones note that in England and Wales, courts have the option of a hospital order. This directs seriously mentally disordered offenders to receive treatment in a mental health facility. Offenders are then released directly into the community with no time spent in a prison. Canada has no option for an entire institutional sentence to be served in a mental health facility.

Several issues are raised through the use of a conditional sentence in *Knoblauch*. In addition to previously mentioned resource issues, conflicting goals of the correctional and health systems are noted as a potential problem. The use of conditional sentences in this way could create problems if treatment does not proceed as planned; a conditional sentence cannot be converted to a jail sentence unless a breach of the conditions occurs. A recurrent debate in sentencing is also touched on in this article: Are offenders sentenced for the crime for which they have been convicted or for crimes they may commit in the future?

The *Knoblauch* case is one example of the criminal justice and mental health systems crossing paths. The "crossroads" of these two systems will continue to pose challenges that will have to be dealt with by the various provincial and federal organizations working in this area. ▲

DIVERSION AND YOUNG OFFENDERS

Longtin, S. (2002). **Déjudiciarisation ou non-judiciarisation: Variation des tendances entre auteurs présumés—accusés ou traités hors cours.** *Criminology, 35*(1), 133-151.
Reviewer: Manon Harvey, Research Analyst

This study compares data on crime in Quebec involving alleged young offenders – charged[1] or dealt with otherwise[2] – aged 12 to 17, from 1991 to 1998, the period during which the author notes a steady increase in the rate of youths being dealt with out of court and a steady decrease in the rate of persons charged.

Longtin used the *Uniform Crime Reporting* Survey[3] (UCR) to calculate the percentage of alleged offenders – charged or dealt with out of court – in Quebec for each year of the period studied (1991-1998). She then compared the results of each year to those of 1991. Her observations focused on the three major categories of offences in the *Criminal Code* (violent offences, property offences and other offences). The results show that, for "violent offences" (e.g. homicide, attempted murder, sexual offences, assault, robbery, kidnapping), the rate of persons charged increased by 10% while the rate of youths dealt with otherwise increased to 149%. In the category of "property offences" (e.g. breaking and entering, motor vehicle theft, thefts of more and less than $5000), the rate of persons charged decreased by 52% while the rate of youths dealt with out of court increased by 107%. In terms of "other offences" (e.g. possession of stolen goods, fraud, prostitution, gaming and betting, offensive weapons, mischief and "other offences" in the *Criminal Code*), the rate of youths charged decreased by 27%, while the rate of youths dealt with out of court increased by 24%.

According to Carrington (1999), Quebec had already distinguished itself in 1984-1985 from the other provinces by decreasing the number of youths charged per capita compared to the preceding period of 1980-1983.

Furthermore, between 1980 and 1988, Quebec recorded the highest rate of youths arrested, but the lowest rate of youths charged. This phenomenon was particularly evident in 1996. Several authors (Le Blanc and Beaumont, 1988; 1992) attribute these unique trends found in Quebec to the diversion system introduced in 1979 by the *Youth Protection Act*. According to Longtin, numerous youth intervenors in Quebec consistently offered strong support for less coercive measures rather than legal ones, in addition to preferring a less stigmatizing integration of youths into the community. However, the willingness to use diversion cannot alone explain the significant fluctuations in how alleged young offenders were dealt with, whether charged or dealt with otherwise, during the 1990s. In fact, the period from 1991-1998 was not characterized by relevant legislative changes or amendments to the Act.[4] Longtin consequently advances the theory that the discretionary power[5] of the prosecutor is presumably the cause. In other words, she suggests that police practices and administrative policies based on economics have an impact on the rate of charges being laid.

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[1] The police officer shall classify an incident "cleared" when at least one charge has been filed against at least one person.
[2] The police officer may classify an incident "cleared otherwise" under certain conditions (refer to the Longtin article for more details).
[3] The UCR is a pan-Canadian database comprised of information relating to criminal offences which were reported to police departments and investigated, whether charges were laid (charged) or not (dealt with otherwise).
[4] For instance, the Act of 1984 was amended in 1986, 1992 and 1995. The second reform extended sentences for homicide to five years and amended the provisions related to referrals to adult courts.
[5] "The legal system may be seen as a series of discretionary decisions that begin with the decision to arrest a suspect and end when the suspect leaves the system. Agents of the criminal justice system (police, prosecutors), despite everything, retain considerable power in the way they apply the law, provide services and obey orders. They use their discretionary power in a variety of daily decisions: whether or not to apply a particular law; whether or not to investigate; whether or not to search for an individual; whether or not to make an arrest, search; whether or not to interrogate a suspect; whether to hold the suspect or to turn the suspect over to the Attorney General; whether or not to write an official report; whether or not to investigate a particular crime." (Longtin, 2002: 147)

The researcher places this discretionary power in the socio-economic context that existed in Quebec, as elsewhere, in the 1990s during a time of recession and fiscal restraint. According to her, the government's goal for fiscal balance during the last decade seems to have had repercussions on the practices of the justice system. During this decade, for identical offences, more alleged young offender cases were dealt with otherwise, so that a larger number of these youths benefited from "alternative measures," not involving a criminal record.

While the author acknowledges the positive effects of the discretionary power when it is properly exercised, she also points out the inconsistencies to which it may lead, namely, unequal treatment. In this respect, Longtin raises the issue of decision-making based on inappropriate criteria: sex, age, religion, appearance, political convictions of police (Kappeler et al., 1998), socio-economic status and mental health status of the offender and the victim (Finn and Stalans, 1997), or, any prejudice that officers could presumably have. The severity of the act committed and the prior history of the person who committed the act (Gottfredson and Gottfredson, 1988) also influence the way a case is handled. Moreover, the author refers to a recent Quebec study (Tremblay et al., 1999) which argues that police officers in large urban regions use their authority to lay charges more strictly in more multicultural neighbourhoods. Finally, the study claims that the officers adhere to two types of standards: the formal standards taught in police academies and the informal standards conveyed by their peers. Peers can subtly influence or exert peer pressure on an officer, making that officer adopt the desired behaviour (Ericson, 1982). The approval or disapproval of peers tells the officer if the action is acceptable or not (Kappeler *et al.*, 1998). Lastly, the author mentions the significant impact that the media has on public opinion, policies and the legal system through the way it reports on crime (Chermak, 1995).

In summary, Longtin's study shows a decrease in the total number of alleged perpetrators of *Criminal Code* offences reported by police among youths in Quebec. The decrease is especially evident among alleged perpetrators of property offences while the number of alleged perpetrators of violent crimes is noticeably increasing. The change in the manner the youths are dealt with is even more apparent. In fact, in 1998, there was a 38% decrease in the number of youths charged in comparison to 1991, while the number of youths dealt with otherwise climbed to 87%. This trend, which began in the 1980s, increased in the 1990s, during an ideal era of fiscal calm.

With the new *Youth Criminal Justice Act* coming into force on April 1, 2003, which will replace the *Young Offenders Act*, it is quite foreseeable that the results reported by Longtin will continue on an upward trend not only in Quebec but also across Canada. This Act specifically encourages effective alternative measures rather than the formal youth justice system. Therefore, more cautions and warnings will be issued instead of formal charges (Justice Canada, Fact Sheet no. 7, 2000), a practice that will undoubtedly lead to an increase in the number of youths dealt with out of court. Referrals to alternative measures will probably increase since the vast majority of charges laid against youths are for property offences, usually acts of vandalism or shoplifting. For instance, according to the data from the *Uniform Crime Reporting* Survey (UCR) in 1998, 51% of the 106 984 charges laid against youths in Canada were for property offences, and 45% of those were for minor thefts (Justice Canada, Fact Sheet no. 7, 2000). Only 21% of youths charged were accused of violent crimes, and slightly over half of those were for minor assaults (Justice Canada, Fact Sheet no. 7, 2000). Considering that the new Act will reserve custodial sentences for repeat young offenders guilty of serious, violent crimes, this trend toward diversion, described by Longtin, will probably increase. ▲

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FALLING CRIME RATES IN CANADA AND THE UNITED STATES

Ouimet, Marc (2002). **Explaining the American and Canadian crime "drop" in the 1990s**. *Canadian Journal of Criminology*, 44, 33-50.
Reviewer: Kwing Hung, Statistical and Methodological Advisor

Objective and Methodology

Crime rates as reported by police have dropped significantly in the 1990s in both the United States and Canada. In Canada, overall crime rates decreased 25% between 1991 and 2000. In the US, data are not available for all crime types. For the seven index offences, the rates decreased 19% between 1991 and 2000. Many criminologists have attempted to explain the reasons for such decreases in order to predict whether such a trend will or will not continue in the future. This study represents one of these attempts to determine the factors that explain the recent decreasing trend in crime.

In this study, the similarity of crime trends in the US and Canada is attributed to similarities in history and cultural background, and to the close economic relationship. This similarity in crime was put into a larger context by showing the long-term corresponding trends of the homicide rates for the past century in both countries. Various factors for the crime trend were then examined by comparing percentage changes in crime rates versus various socio-economic phenomena. Correlations and regressions were occasionally used to support the analysis.

Results

This study investigated a long list of factors that were thought to have some effects on the level of crime. These factors were broadly classified into two groups: endogenous factors that are associated with the criminal justice system and exogenous factors that exist outside the scope of the criminal justice system.

Endogenous factors include overall level of justice expenditure, the level of police officers per capita, the rate of offenders sentenced to prison and police law enforcement practices.

In terms of the overall level of justice expenditure, the US has seen large increases particularly in policing, while in Canada the growth has been small, even below the rate of inflation. In terms of the level of police officers per capita, the rate increased 11% in the US in the 1990s but decreased 11% in Canada, during the same years. In terms of the incarceration rate, the assumption is that a high incarceration rate will incapacitate a large number of potential offenders, thus reducing crime. However, the incarceration rates are vastly different between the two countries. The US rate was almost seven times the Canadian rate in 1999.

In addition, the rate increased 42% in the US in the 1990s but decreased 3% in Canada. Because of the differences between the two countries, the above factors cannot be used to explain the decrease in crime found in both countries.

As for police practices, it has been suggested that gun patrols, problem oriented policing, community policing, zero-tolerance policing, and the greater use of computers all contribute to a reduction in crime. However, it is rather difficult to quantify the effect of such practices.

From this analysis, it appears that endogenous factors cannot be satisfactorily used to explain the decrease in crime. This is confirmed by the rather low correlation coefficients between crime rates and these factors.

The second group of factors is exogenous factors which include demographic changes, economic conditions, and changing societal values.

In terms of demographic changes, there has been a large and significant decrease in the number of persons in the crime-prone age categories such as those aged 20 to 34 in both the US and Canada. Thus, this decrease in the number of young persons probably offers the best explanation for the crime decrease.

In terms of economic conditions, the 1990s had been a period of rapid economic growth in both countries. The unemployment rates decreased 36% in the US and 27% in Canada in the 1990s. Consequently, economic prosperity constitutes another good explanation to the crime decrease.

This study also looked at societal values and attributed some of the crime decrease to the growing intolerance to crime and violence and the "new ethos of moderation in drinking, drug use, sexual activity, and even tobacco use." Other possible factors were also mentioned, such as the declining use of paper currency, the greater number of persons in higher education, and the decrease in the consumption of alcohol. However, once again, this study did not provide quantitative evidence on how these changing values and changing circumstances affect crime rates.

In conclusion, this study points to the higher explanatory power of exogenous factors in causing the crime decrease, specifically demographic changes, economic prosperity, and changes in societal values.

Critique

This study is a good summary article on the recent decrease in crime rates. It considers a large number of different possible factors, some of these seldom mentioned in other similar studies. It contains a list of good references on the topic studied. It arrives at a credible conclusion about the important contribution of demographic changes and economic prosperity in reducing crime and about the lack of explanatory power of most other factors examined.

However, the analysis, while intuitively reasonable, is in part not supported by solid evidence. On one hand, the statistical evidence that was presented relies largely on rudimentary techniques (e.g., comparison of rates). This study breaks no new ground in methodology. On the other hand, many factors discussed were accepted or dismissed without sufficient statistical evidence. As a result, the conclusions are somewhat speculative. ▲

YOUTH JUSTICE: EXPERIENCES OF INCARCERATION

Peterson-Badali, M. & Koegl. C (2002). **Juveniles' experiences of incarceration. The role of correctional staff in peer violence**. *Journal of Criminal Justice*, 30, 41-49.
Reviewer: Jill Edgar, Research Officer

Canada incarcerates its young people at a rate unsurpassed by any western nation (Bertrand et al., 2002). Despite this over-reliance on incarceration, the subjective experiences of youth in closed custody facilities have received insufficient attention from researchers. Peterson-Badali and Keogl's study examining young offenders' experiences of violence while incarcerated and their perceptions of the role of correctional staff in instigating or preventing such violence is a step towards addressing this gap.

The study consisted of a non-random sample of 100 juvenile males who were currently or had been in a secure custody facility in Ontario. Participants were asked a number of open-ended questions relating to their perceptions and experiences of incarceration, in general. Specific questions pertaining to the role correctional staff play in peer-on-peer violence and on the psychological and physical victimization of inmates were also posed.

The findings suggest that youths in closed custody felt that staff did not treat inmates fairly. Treatment by staff was perceived as negative by one-quarter of the sample and half stated that their interactions varied by individual correctional officers. Nevertheless, more than three-quarters of the sample felt fairly treated by half the staff.

It appears that violence may be a systemic and sanctioned feature of closed custody facilities. Almost half (46%) the sample stated that staff had turned a blind eye to peer-on-peer violence and approximately half believe that a staff member had deliberately done something that compromised an inmate's safety. When asked if they had ever been indirectly asked to use violence against another inmate by a guard (e.g., through "joking"), one-third of respondents said they had heard such "jokes" but did not know if it was an invitation for action. Another third heard such jokes and consequently acted upon the "request".

While this study addressed the role correctional staff play in peer-on-peer violence, the other half of the thesis remained unexplored, namely "the context in which peer-on-peer violence occurs in secure juvenile detention and secure custody". Youth perceptions on the amount and severity of violent incidents that occur in detention facilities or the reasons for such violence are not explored. The proportion of violent incidents initiated or perpetuated by correctional workers also remains unknown. These are areas requiring further investigation.

Presently in Canada 80% of youths sentenced to custody had committed a non-violent offence. Further, youths receive harsher sentences than do adults who commit similar offences, thus are sent to custody facilities at a higher rate. To address this overly punitive and uncreative youth justice orientation, the *Youth Criminal Justice Act* mandates that youth sentences should be the least restrictive alternative – custody is to be used as a last resort. This study provides a narrative supportive of the new legislation, illustrating the negative and sometimes violent environment of closed-custody facilities. Indeed, it has been put forward that "the experience of imprisonment, as a response to crime, is itself criminogenic" (Jackson, 1999:2). Given the impressionability and reduced maturity levels of young people, correctional workers' direct and indirect use of violence may teach young people that problems can be resolved through the use or threat of violence.

While Peterson-Badali and Koegl's study does provide a preliminary investigation on an important aspect of the carceral experience, it is not complete. The Research and Statistics Division is working towards a national study that will more fully explore the experiences of youth in custody to further assist the Department's ongoing policy work in this area. ▲

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PARTICIPANTS ATTITUDES TOWARDS VICTIM-OFFENDER MEDIATION PROGRAMS

Poulson, Barton and Elton, Kathy (2002). **Participants' attitudes in the Utah juvenile victim-offender mediation program.** *Juvenile and Family Court Journal,* Winter 2002, 37-45.
Reviewer: Jean-Paul Roy, Research Officer

Victim-Offender Mediation Programs or VOMPs are an alternative to common court procedures. VOMPS, which are a form of restorative justice practices, focus on holding the offender accountable in a more meaningful way than simply imposing punishment. The major

goals are to repair the harm caused by the crime, reintegrate the offender into the community and achieve a sense of healing for the victim and the greater community. The focal point of restorative justice is a face-to-face meeting between the offender, the victim and the community (or a facilitator).

This article focuses on the attitudes of participants in the Utah State Courts Juvenile Court VOMP in Salt Lake City. The majority of cases referred to this VOMP are common crimes such as property damage, burglary, theft, and simple assault, although assault and homicide cases may be referred to a VOMP if the victim(s) or victim's family agrees and the case is deemed appropriate. This study was designed to focus on three main questions:

(a) What are the levels of satisfaction and other attitudes among participants in Utah's VOMP?

(b) Does the level of satisfaction and attitudes of victims and offenders differ from each other?

(c) How do these results compare to other published evaluations?

To answer these questions a total of 634 questionnaires were completed between February 1997 and March 2001. This study encompasses data from two similarly focused questionnaires but with mostly different questions, herein referred to as the early and later version questionnaires. The questionnaires included questions on levels of satisfaction with the VOMP as well as basic demographic data. Thirty-eight percent of the questionnaires were completed by victims and 52% were completed by offenders. An additional 10% of the questionnaires were completed by other persons (typically the offenders' parents), which were not included in the analysis.

The study used a convenience sample with mediators inviting participants to complete questionnaires upon conclusion of the mediation. This raises some questions in regard to the sample split. As response rates are not provided, it is unclear why only 38% of the responses came from victims while 52% came from offenders. This self-selection bias also reduces confidence in the results.

The findings from this questionnaire show overall high levels of satisfaction for both victims and offenders. In the early questionnaire, 93.5% of victims and 88.4% of offenders indicated that they found the "overall VOMP experience positive." In the later version 89.3% of victims and 72.1% of offenders indicated agreement with the same statement. When asked if they were satisfied with the outcome of the case 92.1% of victims and 93.3% of offenders reported they were in the early version with 91.0% of victims and 85.4% of offenders indicating such in the later version. Furthermore, in the early version participants reported an exceptionally high preference for mediation over the courts should a legal matter arise again (96.7% victims, 98.8% offenders) Overall, differences between victims and offenders in satisfaction levels were minimal and insignificant, with offenders' satisfaction ratings usually slightly lower. These results are consistent with previously published evaluations.

In regards to the differences between the early and later version of the questionnaire, the authors suggest several explanations which point to outside influences and not the questionnaire structure itself. They first suggest that victims' satisfaction has stayed at high levels and that the major difference is a slight decrease in offender satisfaction. They go on to point out that the program has begun to accept more serious offences which may decrease the likelihood of a positive outcome since offenders are likely to face incarceration in addition to the VOMP process.

The most significant shortcoming of this study is the lack of a control group for comparative purposes. As well, the statistical analysis may have been weakened due to the need to collapse data from multiple response categories into a dichotomous variable. This re-coding of variables, however, under estimated participant satisfaction by including negative and neutral responses as unsatisfied.

This study provides further support to the growing body of literature on VOMPs and restorative justice in general, such as Nugent, Umbreit, Wiinamaki and Paddock, (2001) and Latimer, Dowden and Muise (2001) which both found lower levels of recidivism among restorative justice participants. Latimer, Dowden and Muise also found higher victim and offender satisfaction and increased compliance with restitution among offenders. With such promising results, there exists a sound empirical justification for the continued use, evaluation, and study of VOMPs and other restorative approaches to justice.

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SEX OFFENDERS AND THEIR LONG TERM RECONVICTION RATES

Hood, R., Shute, S., Feilzer, M. & Wilcox, A. (2002). **Sex offenders emerging from long-term imprisonment: A study of their long-term reconviction rates and parole board members' judgements of their risk.** *British Journal of Criminology*, 42, 371-394.
Reviewer: Karin Stein, Research Officer

The early release of sexual offenders is a highly contentious issue, in particular when the sexual offences are against children. A Parole Board's use of risk assessment in making the decision to release an offender or not is instrumental to predicting who will re-offend or, at least, who will be re-convicted. Although there are no reliable data with regards to re-offending, reconviction is something that can be tracked. The results of this study suggest that there is a fairly low probability that a serious sexual offender, even those offenders who have victimized children, will be re-convicted for a sexual and/or violent offence. The present study is unique because most studies on re-convictions of this nature do not report on the seriousness of the new offence.

The study looks at 192 male prisoners in England and Wales serving determinate sentences of four years or more who have been convicted of a serious sex offence and who are being considered for parole. The parole decisions were made in 1992, 1993 and 1994. Nearly half of the 192 prisoners (46%) were close to their last possible parole review, which is about one year away from the two-thirds point in their sentences. The remaining 54% were eligible for review at one-third of their sentence. Information pertaining to release from custody and reconviction was available for 174 offenders on parole. Of these 174 offenders, 173 could be followed up for two years, 162 for four years and 94 for six years. A dossier for each offender contained information about the nature of the offence committed and this information helped to create two categories of offenders that were further subdivided.

With regards to re-convictions, the authors made distinctions between sexual re-convictions, violent but not sexual re-convictions and other types of re-convictions. One way of distinguishing the seriousness of the reconviction was to examine whether or not a sentence of imprisonment was imposed. When the data were being collected for the study, offenders had been out of prison for times ranging between 19 months and eight years. Of the 162 offenders that had been out of prison for at least four years, 11 were re-convicted of a sexual offence. The average length of time it took to be re-convicted after release from prison was 38 months. In the majority of cases, the sentences imposed on reconviction suggest that the court viewed the offences as extremely serious.

None of those who had originally offended against *children in their own family unit* was re-convicted and imprisoned for a sexual or a serious violent crime, even up to six years post-release. Of the 19 offenders initially convicted of an *extra-familial offence*, five were re-convicted of a further sexual victimization of another child. Thus, after six years, almost one-third of the extra-familial offenders (32%) were re-convicted of a sexual or a serious violent crime. For offences committed against adults, the reconviction rates at four and six years were, respectively, 7.5% and 15%.

Perhaps the most interesting finding of this study is how the assessment of risk imposed by the members of the parole board related to reconviction. Although they were a small group, each offender that was re-convicted at the four-year follow-up stage had been identified by the Parole Board as "high risk". All but one of the offenders followed-up to the six-year stage was identified accordingly (the "true positive"). Conversely, a high proportion of offenders (87%) identified as "high risk" were not reconvicted at the four year follow-

up period. This rate falls to 78% at the six year follow-up. The "false positive" rate was highest among offenders who had initially been convicted of an intra-familial offence against a child. Of the 62 prisoners not deemed to be "high risk", there were no re-convictions for a sexual offence at the four-year follow up period (the "true negatives"). Two were re-convicted and imprisoned for a violent but not sexual offence and were therefore "false negatives". At the six-year follow up, there was only one "false negative" that was re-convicted of a sexual offence.

One element that the Parole Board members looked at as a risk factor and predictor of reconviction was denial. Being in denial is regarded as particularly risky because prisoners who deny their guilt are not seen as being suitable candidates for rehabilitative programs (Hood et al., 2002: 387). One third of offenders in the group were deemed to be "deniers" and were evenly distributed across intra and extra familial offences against both children and adults. The finding that only one high-risk "denier" was re-convicted of a sexual offence is statistically significant, and calls into question the assumption that sex offenders who do not complete treatment programs because they are in denial are at a greater risk of reconviction. While the authors offer some possible explanations, they indicate that this discovery warrants closer consideration in future studies.

The authors also compared the Parole Board's assessments of risk against a validated actuarial prediction instrument for sex offender risk assessment, the "*Static-99*". This prediction instrument uses data relating to previous offences and various other personal characteristics, and classifies offenders into one of four categories: low, medium-low, medium-high, and high. After comparing the scores on the "*Static-99*" with the Parole Board's assessments, half of the 82 offenders followed up for four years who were classified as "high-risk" by the Parole Board were classified as low or medium-low by the "*Static-99*". While the Parole Board identified more than half of the prisoners as "high-risk", 13 percent were similarly classified by the "*Static-99*". This begs the question of whether the number of false positives might have been reduced had the Parole Board relied more on the prediction instrument and less on their own opinions. The authors found that ultimately, the "*Static-99*" would help to decrease the number of false positives, but it would not have improved the ability of the Parole Board to identify the true positives.

Implications and conclusions:

1) This study confirms the low reconviction rate for sexual assault by serious sexual assault offenders.
2) Those that were reconvicted, however, committed serious new offences.
3) With the exception of one offender, the Parole Board had initially identified all those who were re-convicted as "high risk".

The authors conclude that the biggest challenge is to get better information about the relationship between re-offending and reconviction and the circumstances that lead to sexual re-offending and the protective factors that could reduce the chances of that happening. The present study challenges a number of presumptions about sexual offenders emerging from long-term prison sentences. The validity of the results needs to be tested on a larger sample with more complete information and longer follow-up periods.

The results of this study are relevant in the Canadian context especially with regards to treatment. A recent report by the Solicitor General indicates that specialized treatment programs for sex offenders do contribute to reductions in sexual recidivism and recidivism in general (Hanson et al., 2002). The authors of the Canadian study make a finding similar to that of the authors of the UK study in that risk managers such as Parole Board members need not assume that any treatment is better than no treatment. Again, treatment programs are but one part of a comprehensive risk management strategy (Hanson et al., 2002), and it can be surmised that a combination of both Parole Board risk-assessment and an actuarial prediction instrument will achieve the best balance of public safety and offender rights. ▲

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WOMEN'S USE OF VIOLENCE: CONTEXT AS A FUNDAMENTAL INCLUSION

Swan, S., & Snow, D. (2002). **A typology of women's use of violence in intimate relationships.** *Women's Use of Violence, 8*(3), 286-319.
Reviewer: Allison Millar, Statistical Officer

In recent years, many studies have reported on women's use of violence based on the reporting of raw numbers alone (how many are there, who are they, etc.) However, few studies have looked beyond the quantitative results and incorporated the contextual and motivational aspects which may act as intervening variables. Addressing the weaknesses in the available literature, the authors of this study argue that women's use of violence can only be understood in the context of male violence and abuse.

Based on the authors' review of the literature, five hypotheses were formed:

- Hypothesis 1: The majority of the women's partners will commit physical aggression against them.
- Hypothesis 2: The overall frequencies of physical abuse will be similar for women and their male partners. However, their male partners will be more likely to commit higher levels of sexual abuse, cause injury and use coercive control compared to the women.
- Hypothesis 3: A typology of women's abusive relationships based on variations along dimensions of physical abuse and coercive control will be detectable from the data.
- Hypothesis 4: This typology will include a higher number of female victims than female aggressors.
- Hypothesis 5: Relationships in which women are aggressors will be less violent overall than relationships in which male partners are aggressors.

Methodology

A self-selection sample was used to recruit 108 participants for this study. In order to be eligible, the participants had to have used some form of physical violence against a male intimate partner in the previous six months. The study involved a 2–hour structured, quantitative interview using the *Conflict Tactics Scale-2* (CTS-2) which "rank orders behaviours in a linear fashion from least serious to most serious."(Dekeserdy & Schwartz, 1998:2) Specifically, the CTS-2 was used to measure physical abuse, sexual coercion and injury. Despite its popularity, there is some debate about the validity of the CTS measurement. Some argue that the CTS-2 has a tendency to underreport since "it only asks about several specific types of abuse, but does not ask about many others."(Dekeserdy & Schwartz, 1998:2)

Aware of the CTS-2's limitations, the authors used multiple measurements including a 10-item "social desirability" measure based on the Marlowe-Crowne scale and a "coercive control" measure using items from the dominance/isolation subscale of the *Psychological Maltreatment of Women Inventory* (PMWI).

Results

Hypothesis 1 (the majority of the women's partners will commit physical aggression against them) was supported. The women had committed a mean[1] of 58.1 (SD=39.83) abusive behaviours against their partners in the previous six months (includes all incidents of emotional abuse, coercive control[2], physical abuse, and sexual coercion). Whereas, the women reported that their partners committed significantly more abuse, with a mean of 74.1 (SD=51.17) abusive behaviours during the same time frame.

[1] Means represent the average number of items an act occurred in the previous 6 months.
[2] Coercive control refers to the non-physical tactics used by abusers to maintain control over their partners. Coercive control tactics include the use of intimidation, isolation, economic control and controlling partner's activities and decisions.

Hypothesis 2a (the overall frequencies of physical abuse will be similar for women and their male partners) was not supported. The women committed significantly more acts of moderate physical violence against their partners than their partners committed against them. Women reported throwing things at their partners and threatened to hit them frequently.

Hypothesis 2b (male partners will commit higher levels of sexual abuse, injury, coercive control than women will commit against them.) was supported. The men committed close to twice as many acts of coercive control, two and a half times as much sexual coercion, caused over one and a half times as much injury, including injuries that still hurt the next day, caused the women to pass out, see a doctor, or need to see a doctor.

Hypothesis 3 (a typology of women's abusive relationships based on variations along dimensions of physical abuse and coercive control will be detectable from the data) was supported. Three types of relationships were identified:

1. Women as aggressors (12%).
2. Women as victims (34%). The authors stress that despite the high frequencies of violence committed by the women, it is important to note that approximately one third of the women were classified as victims and were almost three times as likely to be classified as victims of abuse than as aggressors.
3. Mixed relationships (50%) (one partner was more violent but the other was more controlling) comprised the largest type. Mixed relationships included two subtypes: Mixed-male coercive relationships (32%) in which the partner was more violent than the woman, but the woman's use of severe violence was equivalent to the partner's. (The authors note that these results indicate that although these women were just as, if not more violent, the partners were still controlling the women's behaviour.) Mixed-female coercive relationships (18%) were those in which the woman's use of coercion was equivalent to or greater than her partner's.

Hypothesis 4 (the typology will include a higher number of female victims compared to female aggressors) was supported based on the finding that only 12% of the women were classified as aggressors.

Hypothesis 5 (relationships in which women are aggressors will be less violent overall than relationships in which male partners are aggressors) was somewhat supported. The total abuse scores for relationships in which men were aggressors (174) and those in which women were aggressors (163) were not significantly different. Furthermore, the total number of abusive behaviours committed by female aggressors (114) was only slightly lower than the total number of abusive behaviours committed by male aggressors (122). Female aggressors (64) committed similar levels of abuse as male aggressors (71). However, the male aggressors committed more coercive control than female aggressors.

Limitations and Avenues for Future Research

This study relied on women's self reports on their abusive behaviour towards their partners as well as their male partner's behaviour, which may be biased. Complementary or multiple research methods should be considered in future research to avoid self-reporting bias.

In addition, it was concluded that men's and women's violence differ from each other. However, to what extent can "women's use of violence towards heterosexual partners be comparable to men's in terms of context, motivation, results and consequences?"(Dasgupta, 2001: 3)

Finally, while the authors acknowledge the importance of making a cross-cultural comparison, it was not a component in this study. This is a significant variable when using a self-reporting method since "women from different cultural backgrounds may view violence differently. Many cultures may not consider physical aggression to be much of a taboo for women". (Dasgupta, 2001:13) In some cases, women might be less likely to report on violence.

Despite its limitations, this study delves into an area of research that to date, has not been thoroughly examined. By identifying a typology of women's use of violence, the relationship dynamics emerge, allowing for a more in-depth analysis. In addition to the research community benefiting

from the findings, anti-violence advocates, practitioners and policy-makers will be better equipped to make more informed decisions in addressing the complexities surrounding women's use of violence. ▲

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RESEARCH IN PROFILE

CONTACTS, OPPORTUNITIES, AND CRIME: RELATIONAL FOUNDATIONS OF CRIMINAL ENTERPRISE

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Introduction

The oft-heard remark, you ain't got nothing on me, is at the core of this study's concerns. Relative success and achievement in crime depend on how offenders go about doing crime. An offender's search for increasing financial returns and decreasing costs is mediated by the structure of his pool of useful and trustworthy contacts. The social network framework from which this claim originates serves as the main drive for this study on successful careers in organized crime. More specifically, the research combines developments on legitimate networks with past findings on networks in crime in developing a series of insights and propositions on the evolution of criminal entrepreneurial careers. The research has implications for areas specific to organized crime and crime in general, as well as for both scholarly and practical circles.

Theoretical Background

Although organized crime has been consistently described by many as a business process built around network-based patron-client asymmetries (Hess, 1970; Albini,1971; Ianni,1972; Block and Chambliss,1981), the area of social network analysis and its wide array of methods have been minimally applied (see Finckenauer and Waring,1998, however, for a notable exception). Within the scope of a social network or relational paradigm, several choices are available to pursue a study on network explanations of business or competitive pursuits. Ron Burt's (1992) structural hole theory of success in legitimate business served as the main analytical framework guiding this study's principal argument. Structural hole theory tells us that business-oriented persons who have personal networks designed to promote high levels of disconnectivity achieve and maintain competitive advantages in their earning activities and overall careers. In this sense, it is therefore not simply to whom one is connected, but how one is connected that is key for personal progress. The structural hole concept is used to grasp those entrepreneurial opportunities within a personal network that allow one to broker between disconnected others in a timesaving and efficient manner. The greater an individual's access to such brokerage opportunities, the greater the level of disconnectivity within the personal network, and the greater the potential for success. This theory on

legitimate business was subsequently transposed to various forms of criminal enterprise.

Main Research Questions

Two research queries were at the root of this study's development. First, that crime may pay for some or that materialistic success may indeed be achieved through crime has unfortunately been a hypothesis consistently overlooked (or likely dismissed) within mainstream and critical criminology (see, however, Tremblay and Morselli, 2000 and McCarthy and Hagan, 2001 for recent discussions on this theme). In looking into the favourable aspects of doing crime, the traditional focus from deterrence research that centers primarily and quite exclusively on the costs of crime is countered. The combination of this present approach and results from the deterrence research provides a complete overview on what has come to be known as cost-benefit analysis.

Second, throughout the past thirty years, the study of organized crime was marked by a fervent debate surrounding the stereotypical notoriety of its key notion (organized crime) and its ill-founded empirical basis. In the attempt to enhance our understanding of activities and group structures typically associated with organized crime, several experts opted for the creation of new terms (with criminal or illegal enterprise representing the main alternatives). What took place, as a result of such a conceptual cleavage was a division between what may be referred to as "organized crime" settings that are rigidly and hierarchically structured and "disorganized crime" settings that are loosely and informally structured.

The analytical scope offered by Burt's structural hole theory and social network analysis as a whole permit the bridging of the conceptual divide within the organized crime literature while pursuing the more general criminological question concerning success in crime. The end result of this approach is a common framework which permits the explanation of both organized and disorganized (illegal enterprise) settings.

Biographical Sources and Network Analysis

Criminal memoirs serve as the primary data sources for the two case studies conducted on diametrically-opposed organized crime participants. The first case study is based on the career of Howard Marks, an independent international cannabis trade smuggler from the late sixties to late eighties. The second case study focuses on the three-decade career (1960s to 1990s) of Salvatore Gravano, who progressed within an organizational setting as a New York City construction racketeer and *Cosa Nostra* member. Both Marks and Gravano published their memoirs after succumbing to American federal Racketeer *Influenced and Corrupt Organizations* (RICO) charges (see Marks, 1997 and Maas, 1997). These biographies are useful for research purposes because although they may often provide a sensationalist portrayal of the events and activities that made up the central character's criminal career, they are also quite detailed in regard to the others (the contacts) that served as accomplices, mentors, employees, and other facets of a criminal work setting. With such biographical accounts serving as the main sources, the egocentric-network flow that provides the consistent backbone for such career accounts was seized. Overall, 323 names were extracted from the Marks memoir and 249 were extracted from the Gravano biography. After an elimination process that consisted of removing a series of individuals not making up the entrepreneur's core working network, the pool of names were reduced to 58 contacts for Marks and 67 contacts for Gravano. Based on these core working networks, cumulative contact curves (the number of contacts exiting and entering the personal network on a yearly basis) and network matrices were subsequently constructed for various phases throughout each of the entrepreneur's careers. In doing so, it became possible to identify various transitions, events, or outcomes throughout each career, and subsequently localize the pertinent co-participants implicated in and around each.

Main Findings

The creation of a suitable working network for crime is a gradual process. The cumulative contact curves demonstrated that both Marks' and Gravano's careers followed three phases: 1) building; 2) peaking; and 3) closure. The building phase requires the novice offender to search new contacts and rely primarily on references from established contacts. This phase was marked by a mentoring process for both Marks and Gravano. The peak phase was attained after about a decade of full-time criminal participation (Marks reached

this phase in about ten years and Gravano peaked after roughly 15 years). At this phase, the entrepreneur's network is wide, extensive, and high in opportunity volume. The network closure phase is that which is associated to privileged offenders or, in other words, those who may decrease the scope of their contact with others and therefore decrease their risks of criminal association. Network closure was marked by high optimization of criminal opportunities. After several years in a particular criminal trade and with an established network already in place, the privileged criminal entrepreneur finds himself in a position to cease searching for new opportunities and restrict his endeavours to the select choices that are offered by others who are also trying to get ahead through crime. Such network closure, particularly for Gravano, who built his career around construction activities, was also accompanied by an increase in participation in strictly legitimate operations and increased links with legitimate entrepreneurs.

The study's general finding follows Burt's structural hole theory. In the organized crime careers studied here, the offenders' advancements within their specific earning activities were accounted for by the structural hole content of their personal working networks at various points in time. Based on the network matrices, Burt's brokerage measures (network efficiency and network constraints) were used in accounting for both Marks' and Gravano's ascendancies throughout their careers. In both careers, network optimization (high efficiency) was reached at the network closure phase. Network efficiency was lowest at the entrepreneurs' building phases and gradually improved into the peak phases. The networks were optimal in opportunity once network closure was initiated and fully practiced by the entrepreneurs.

High efficient or low constrained personal networks permit criminal entrepreneurs to broker between several ventures simultaneously (hence, permitting access to profit-percentages from each of these ventures). Such optimal networking and increased privileged positioning also allowed the criminal entrepreneurs to decrease their levels of direct exposure to other participants in their criminal activities through network closure. A decrease in exposure permitted them to further insulate themselves from potentially career-damaging targeting forces. Structural hole opportunities therefore tell us how an offender may structure his network to promote increasing returns from crime while decreasing the costs. In short, this relational approach illustrates how survival and long-term endurance is maintained while suggesting a broader understanding of how competition in crime is structured.

Theoretical Relevance

In so doing, the argument proposes an alternative to the more familiar explanations centering on an individual's capacity for violence, authoritative rule, or market structuring. Personal organization, as indicated by the structure of a participant's personal network and the quality of opportunities that extend from it, is an inherent and common component to successful criminal entrepreneurs and it is within the overlapping of these personal social networks that organized crime processes are founded.

Also, the argument provides a synthesis of both the orthodox organized crime and illegal enterprise frameworks that have dominated research in this particular field. Furthermore, one of the main goals of this work was to bring the study of organized crime into the general field of criminology. The main thesis is as much an extension of Sutherland's differential association theory and Merton's opportunity structure theory as it is of past organized crime research. Finally, the study reveals how structure in criminal settings may be sought after, measured, and explained rather than simply assumed and hypothesized.

Finally, the advantage of using the biographical sources and method developed within this research is that hundreds of these documents are widely available. Future case-by-case studies throughout the years in which personal networks are consistently extracted from these personal career accounts will tell us much on how individuals initially get into crime and on how such careers vary in regard to adaptability, endurance, success levels, and positioning within the context of a wide array of criminal activities throughout various cultures and times.

Policy Implications

The practical extensions of the study have been similarly observed by both Canadian (Montreal-based law-enforcement analysts and investigators) and Dutch governmental researchers working in policy-oriented fields. Their main interest was

primarily on the network approach and how this particular framework proved constructive in organizing their own investigations and information in matters of organized crime.

The network matrices designed for this study may be applied directly to law-enforcement data extending from criminal intelligence or investigative files. Information on a suspect's contacts has been consistently and traditionally recorded within such areas. Keeping track of a person's network through the use of matrix designs advance law-enforcement's knowledge of organized crime members beyond current uses of organizational charts and configurations. What is suggested through the present study's extensions is that information on such members be aligned to account more for that individual's personal organization (his network) rather than his place within a formal organization. Overlapping such personal network matrices permits the revelation of new and more flexible organizational forms that are more fitting to the criminal milieu. In short, valuable data is already available in law-enforcement areas; the matrix tool, however, has yet to be integrated.

Future Research

A series of extensions from this study are already in progress. The main argument on how certain forms of personal network structures shape the level of success in careers in criminal enterprise is being tested on data from a survey conducted on 250 inmates in Quebec's federal prisons. We have personal network matrices for 221 inmates. While the biography-based study's aim was to understand endurance, financial gains, and privileged positioning in crime, the more recent survey's dependent variable is financial gains from crime. Preliminary results show that the main propositions extending from Burt's structural hole theory prove significant for the market offenders in the survey, as well.

Aside from the major survey, other smaller extensions are underway. Using electronic surveillance data, the relationship between personal network components and the costs of doing crime is being tested in a study on heavily monitored drug importers. Using criminal intelligence data, the relationship between relational entrepreneurial capacities and lethal violence is being advanced in a study on murder victims in a current biker war. Recently, a grant was awarded to the author to allow further explorations and advancements to be made regarding the use of network analysis in criminal areas. This research program and the formation of future researchers trained to use its various methods will therefore be in full expansion throughout the coming years. ▲

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PUBLIC ATTITUDES AND THE CONDITIONAL SENTENCE OF IMPRISONMENT

By Trevor Sanders, Research Analyst
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A representative sample of 1,000 Canadians was surveyed between February 26 and 28, 2002 by Ipsos-Reid on the issue of conditional sentences. Standard industry practices were followed in conducting the poll. Questions asked to the full sample are considered to be accurate within +/-3.1%; margins of error for questions asked to sub-groups of the sample are higher. This survey represents the second national poll on this topic – the first one conducted in 1999 by the same company[1].

Sentencing Severity

Sixty-three percent of Canadians surveyed expressed the opinion that sentences are not severe enough, while 31% said that sentences are about right. Just 2% of respondents said that sentences are too severe. Although the majority of Canadians responded that sentences are not severe enough, the most recent survey's percentage is lower than comparable surveys over the past several years. In 1999, 69% of respondents said that sentences were not severe enough, while five years earlier, 82% of those polled said that the justice system was too soft in its treatment of law-breakers.

In the 2002 survey, Canadians with a high school education or less were more likely to state that sentences are not severe enough. Regionally, residents of both Quebec and British Columbia were the most likely to view sentences as not severe enough (69%). Ontario residents (58%) were the least likely to say that sentences are not severe enough.

Knowledge of Conditional Sentences

Conditional sentences have been the subject of frequent media coverage since their inception in 1996. This survey sought to test whether the consistent media attention to conditional sentences has translated into public knowledge of the sanction. Specifically, respondents were provided with three descriptions and asked to identify the one correctly describing a conditional sentence, which "allows offenders who otherwise would go to prison to serve the sentence in the community". The two incorrect definitions described judicial interim release (bail) and conditional release from prison (full parole).

Results indicate low levels of public knowledge of what the correct definition of a conditional sentence is. Only 48% of respondents selected the correct definition. This represents a slight improvement over the 1999 survey where 43% of respondents correctly identified the definition of a conditional sentence.

Knowledge was highest among Canadians with a university education, those earning over $60,000, and residents of British Columbia – all at 54%.

Support for Conditional Sentences in Assault Cases

Respondents were asked to choose whether they felt a conditional sentence or jail was the appropriate sanction for two different assault cases. Prior to being asked the question, all respondents were read a definition of conditional sentencing and a corresponding description of a jail sentence.

To test the effects of varying information, the sample for this question was broken into two groups. Half of the sample was given a brief description of the Supreme Court of Canada decision in *R.* v. *Proulx*, which is considered the landmark case involving conditional sentencing. Specifically, group A for each of the two scenarios was read the following description of the *Proulx* decision "About two years ago, the Supreme Court

[1] For results of the 1999 survey, please see T. Sanders and J. Roberts, « Public Attitudes Toward Conditional Sentencing : Results of a National Survey » Canadian Journal of Behavioural Science, October 2000.

of Canada ruled that conditional sentences can be punitive sanctions capable of achieving various sentencing goals, such as: expressing society's disapproval of the crime, deterring future crimes, punishing the offender and aiding in rehabilitation." Respondents to the B version of each scenario did not receive this description. Both groups were then read a crime scenario and asked whether they thought the offender should receive a conditional sentence or a prison sentence. The crime scenarios used in this question were "A 23 year-old man has been convicted of assault causing bodily harm. He hit and broke the nose of a man he had a disagreement with in a local bar," and, "A man is convicted of assaulting his wife. She received medical treatment for minor injuries. The man has no prior criminal record."

Results show that there was slightly higher support for the conditional sentence among respondents provided with the description of the Supreme Court ruling on conditional sentences. In the case of the bar assault, 81% of respondents felt that a conditional sentence was the appropriate sanction; support rose to 84% for respondents provided with information on the *Proulx* decision. In the case involving a spousal assault, 57% chose the conditional sentence in the basic version of the question while 60% supported using a conditional sentence when given the additional information. The differences in support for the conditional sentences for the two cases when presented with the information on the Supreme Court decision, though slightly higher, were not found to be statistically significant.

The assault scenarios used above also appeared in the 1999 survey on conditional sentencing with similar results. In the case of the bar assault, 76% of respondents supported a conditional sentence and 62%, in the case of the domestic assault, preferred the conditional sentence. Comparing the 1999 and 2002 results shows higher support on the bar assault case and slightly lower support for the domestic assault scenario.

The Effectiveness of Jail/Conditional Sentences in the Public's Mind

One goal of this survey was to compare public attitudes toward the use of conditional sentences and jail sentences in terms of meeting various goals of sentencing. The four cases selected for this examination were all based on actual cases heard at the appeal court level. The cases used involved manslaughter, impaired driving causing bodily harm, sexual assault with breach of trust, and producing and possession of marijuana for the purpose of trafficking. For each scenario, respondents were randomly presented with one of two sentences. In version 'A' of each scenario, respondents were questioned about their views toward a conditional sentence for the offence and in version 'B' they were probed about a prison sentence of the same length. Both groups were provided with a brief description of the selected sentence. All respondents were asked to rate the effectiveness of the sentence (jail or conditional) on a scale of 1 to 10 in meeting five goals of sentencing, with 1 representing "not at all effective" and 10 "very effective". Specifically the goals were: deterring the offender or other persons from committing offences (deterrence), assisting in rehabilitating the offender (rehabilitation), punishing the offender (punishment), compensating victims or the community (reparation) and expressing the community's disapproval of the crime (denunciation).

The results indicated that the public perceives conditional sentences as more effective than jail in meeting the goal of rehabilitation. The sanctions were viewed as essentially equivalent in meeting the goals of reparation, deterrence, denunciation and punishment. The results are summarized in Table 1 which presents the average score for the conditional sentence and jail sentence across all four scenarios. Overall, both the conditional sentences and jail sentences were seen as moderately effective in meeting the sentencing goals.

Table 1: Conditional Sentence and Jail: Meeting the Goals of Sentencing

	Impaired/Harm		Manslaughter		Sexual Assault		Possession/Trafficking	
	Conditional Sentence	Jail	Conditional Sentence	Jail	Conditional Sentence	Jail	Conditional Sentence	Jail
Deterrence	5.87	5.78	4.86	4.97	4.42	4.51	4.75*	4.27*
Rehabilitation	6.34**	5.67**	5.73	5.35	4.72*	4.24*	5.49**	4.29**
Punishment	6.21	6.27	5.52	5.57	4.81	4.86	5.42*	5.00*
Reparation	5.01	4.86	4.47	4.49	4.20*	3.79*	4.86**	4.24**
Denunciation	5.86	6.00	5.09	5.31	4.66	4.87	5.46*	4.97*

* indicates a significant difference between the score for jail and conditional sentence at the .05 level

** indicates a significant difference between the score for jail and conditional sentence at the .01 level

Examining the scenarios individually also reveals some interesting findings. An analysis of variance technique was used to determine if the differences in the mean scores for the conditional sentence and jail sentence are statistically significant. The generally accepted level of significance is .05 or greater—in other words, we are 95% certain that the difference is not due to chance. For the case of producing and possessing marijuana, the conditional sentence was seen as more effective across all five dimensions. This suggests that Canadians are tolerant of using conditional sentences for some drug related offences. For the other three scenarios, there were few significant differences in the rating of the two sanctions. The relative similarity of the ratings for the two sanctions indicates, for the selected scenarios, Canadians view the sentences as comparable.

The Effect of Providing Additional Information

The final question on the poll looked at whether presenting a judge's reasons for deciding that a conditional sentence was appropriate would have an impact on public support for that decision. The 1999 survey found that providing respondents withnditional sentence order had a dramatic impact on support for the sanction.

Again, respondents were asked to respond to one of two versions of the question. In version 'A' respondents were asked to consider an actual case in which, "A 45 year-old man is convicted of distribution and possession of child pornography. The judge sentences the offender to a 14-month conditional sentence. Conditions of the sentence include house arrest; the offender can only leave his home to go to work, medical treatment, community service or for family related responsibilities. He is also prohibited from accessing the Internet and must perform 100 hours of community service. The sentence restricts the offender from having unsupervised contact with anyone under the age of 18, except for his children."

The second group of subjects was given the identical case description, but were additionally provided with some of the factors that the judge considered in deciding on a conditional sentence. Respondents were told "In deciding that a conditional sentence with house arrest was appropriate, the judge considered many factors. These included the devastating impact the charges have already had on the offender and his family, which in itself is a significant deterrent. The judge took the offender's personal situation into account — he is 45 years old, married with three children and is responsibly employed. The offender was also judged not to be a paedophile, has no prior criminal record and does not pose a threat to the community. As well, the judge took direction from a recent Supreme Court of Canada decision involving conditional sentencing." Both groups were asked to rate the sentence on a scale of 1 to 10 with one meaning that the sentence was not at all appropriate and ten meaning entirely appropriate.

Results for the two versions of the question showed that support for the sentence was higher when the reasons for the judge's decision were presented. When factors considered by the judge were not provided, the sentence received a mean rating of 4.76. When the factors considered by the sentencing judge appeared in the description, support for the sentence rose to a mean rating of 5.04. The difference in support for the two groups was not found to be statistically significant.

Conclusions

Overall, this survey demonstrates that conditional sentences are acceptable to the Canadian public when presented in an informed manner. The results of this survey are also supportive of some of the conclusions of the Supreme Court of Canada in its unanimous decision in the Proulx case. For example, the Proulx decision stated a conditional sentence can provide significant denunciation and deterrence. This was supported by the survey results, which showed near equal ratings on deterrence and denunciation for jail and a conditional sentence in the four cases examined. In addition, the Proulx decision stated that conditional sentences are generally preferable to incarceration when a combination of punitive and rehabilitative objectives can be achieved. According to this poll, Canadians have also indicated that a conditional sentence can meet these objectives as effectively as jail in some cases. ▲

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Canadian Social Science Faculty Survey (RR2001–12e/f)
Karin Stein & Anna Paletta, Research and Statistics Division

The Social Science Faculty Survey was conducted in 2000 and gathered detailed information on teaching interests and research activity in broadly defined justice-related areas. This final report provides summary information on the current justice-related teaching areas and research activities of these faculties.

Review of Provincial and Territorial Domestic Violence Legislation and Implementation Strategies (RR2001-4e/f)
Tim Roberts, Focus Consultants

The purpose of this report was to gather materials and undertake preliminary analyses pertaining to domestic violence legislation in the five jurisdictions. The immediate user of this information is the Government of Nunavut; the immediate purpose is to facilitate a decision as to whether similar legislation might be appropriate for Nunavut. However, other jurisdictions might also find the document useful. The report is organized in three parts:

- A review of key implementation issues associated with developing and implementing domestic violence legislation, wherever possible with applicability to the geography and culture of Nunavut's population;
- A comparison of the legislation and regulations pertaining to domestic violence legislation in the five jurisdictions, including reference to legal cases that relate to the legislation;
- A series of appendices containing legal documents, implementation materials and evaluation documents pertaining to domestic violence legislation in the five jurisdictions. These materials are only available in binders for the Government of Nunavut and Justice Canada, and have not been electronically incorporated in this document.

Youth Involvement In Prostitution: A Literature Review And Annotated Bibliography (RR2001-13e/f)
Steven Bittle, Research and Statistics Division

This report is a comprehensive literature review on youth involved in prostitution, with a focus on legal and extra-legal responses to the youth sex trade and the main findings and debates in the social science literature, in particular the research on childhood physical, sexual and emotional abuse and their role in precipitating youth involvement in prostitution. ▲

CURRENT AND UPCOMING RESEARCH FROM THE RESEARCH AND STATISTICS DIVISION

LEGAL AID RESEARCH INITIATIVE

Contact: Ab Currie,
Principal Researcher

The Research and Statistics Division is currently carrying out a two-year program of research in legal aid. The research is in support of an initiative intended to put in place a renewal of federal legal aid policy and is a joint federal/provincial/ territorial initiative, being carried out under the auspices of the Permanent Working Group on Legal Aid (PWG). The PWG reports to Deputy Ministers responsible for justice issues. A Legal Aid Research Secretariat, made up of representatives of three provinces and the federal government, is the steering committee for the research. The Research Secretariat is a sub-committee of the PWG. The research is being funded and managed by the Department of Justice.

The program of research includes research projects on a number of topics in criminal and civil legal aid. A number of projects focus on legal aid issues in the three northern territories. The criminal legal aid research is focusing on establishing the level of need for criminal legal aid and on particular issues with respect to need for and accessibility of legal aid for Aboriginal people, immigrants and visible minorities and speakers of both official languages. Within the civil legal aid area, the majority of the work is on issues of need and cost drivers in immigration and refugee legal aid. There is a smaller emphasis on issues in family legal aid. As well, the research team is developing and managing the research components of several legal aid pilot projects. The third component of the research program, along with contracted research and assessments of pilot projects, involves a number of in-house projects. These projects include work to develop the distribution formula for federal funding, estimating the costs of elements of legal aid delivery in Canada and, generally, responding to short-turn-around requests for information from our policy colleagues.

It is expected that the results of the research will be available on the Department of Justice web site and in hard copy format by the end of 2002-2003. ▲

CRIME VICTIMIZATION ISSUES AMONG FIRST NATIONS, MÉTIS AND INUIT PEOPLE

Contact: Anna Paletta,
A/Principal Researcher

Victimization patterns among Aboriginal people have a number of components unique in Canadian history. A literature review has been undertaken for the Policy Centre for Victim Issues to provide a current picture of research completed that addresses issues related to victims of crime among First Nations, Métis, and Inuit people. It summarizes issues such as youth victimization, women, family violence, restorative justice, victims with disabilities (e.g., FAS/FASE) and the impact of racism on victims. The report is expected to be available in Spring 2003. ▲

PATTERNS OF CRIME IN CANADIAN CITIES: A MULTIVARIATE STATISTICAL ANALYSIS

Contact: Kwing Hung, Ph.D.,
Statistical and Methodological Advisor

This study uses multivariate statistical techniques to analyze offence specific crime rates reported by the police to the aggregate Uniform Crime Reporting Survey (UCR1). Through the use of factor analysis and discriminant analysis, a large amount of data on many different offences can be summarized into more easily recognizable generalized patterns of crime. The individual crime patterns of 600 cities across Canada are successfully represented by four crime indices. Such information could be useful in assisting local

criminal justice agencies to develop crime control and prevention strategies to counter their specific crime problems. The report is scheduled to be published as a title in the Research and Statistics Division's methodological series in the near future. ▲

PUBLIC LEGAL EDUCATION AND INFORMATION (PLEI)

Contact: Susan McDonald,
Research Officer

Two reports on PLEI research were published in Fall 2002. The first is an annotated bibliography of PLEI evaluation materials. This report reviews Canadian academic, government and community materials that focus specifically on the evaluation of PLEI initiatives. The report concludes that there is little evaluation research in this area for a number of reasons and urges funders and PLEI providers to work together to remedy this.

The second report, entitled, "Know More: Assessing the Impact of PLEI on Individuals and the Community," was undertaken on behalf of the Innovation, Analysis and Integration Directorate of the Programs Branch. It is a qualitative study examining the impact of a video series and information pamphlets about sexual abuse in Sault Ste. Marie. The study places the PLEI initiative within the context of ongoing events in that community. The study specifically looked at the impact of the PLEI on both individuals and the community as a whole. The extent of distribution is yet to be determined. ▲

SUBSTANCE ABUSE INTERVENTIONS WITH YOUTH

Contact: Jeff Latimer,
Senior Research Officer

As part of the Youth Justice Renewal Initiative, the Department of Justice is committed to investigating "what works" for youth involved in the criminal justice system in order to prevent and reduce offending. As substance abuse is a correlate to offending behaviour, it is important to have an understanding of the complexities associated with substance abuse interventions with youth including best practices. Substance abuse treatment for youth must be tailored to their developmental stage, since what may be effective for adult substance abusers may not be applicable to youth. The Research and Statistics Division is conducting a literature review in order to:

- determine the antecedents of youth substance abuse;
- identify the substance abuse interventions which are believed to be effective with youth in general;
- identify effective substance abuse treatment programs for youth involved in the criminal justice system;
- identify and discuss multiple outcomes measures of success; and,
- identify areas for future research.

A final report will be available in early 2003. ▲

ORGANIZED CRIME

Contact: Damir Kukec,
Senior Statistician

The department of Justice established its program of research in the Fall of 2001 and has completed a work plan with proposed projects for the fiscal year 2002 - 2003. The program of research will include core research services, data collection and analyses, and special research projects to support the Department of Justice and its involvement with the Organized Crime Initiative. Depending on the Department's policy and legislative priorities, the research projects that may be undertaken this fiscal year include:

1. Critical Examination of the Literature on Organized Crime (with an emphasis on the Canadian context): The literature reviews may cover four specific topic areas:
   - Method and Measurement Issues Related to the Study of Organized Crime;
   - Law Enforcement Justification Framework;
   - Criminal Organizations and Their Activities; and,
   - Evaluations of Strategies to Combat Organized Crime.

2. International Comparisons: A Review of Approaches to Combat Organized Crime in Select Countries.
3. History of Organized Crime Legislation in Canada.
4. Documenting Challenges in Investigating and Prosecuting Organized Crime and Major Cases.
5. An Exploratory Analysis: Prosecuting Criminal Organization Cases.
6. Developing Estimates of Organized Crime Activities.
7. Media Analysis of the Coverage on Organized Crime in Canada. ▲

CURRENT AND UPCOMING RESEARCH FROM AROUND GOVERNMENT

THE LAW COMMISSION OF CANADA

In April 2002, the Law Commission of Canada released "*In Search of Security: The Roles of Public Police and Private Agencies*", a discussion paper that examines the relationship between public police and private agencies. The discussion paper examines the issue of security in Canada and elsewhere and engages the public in a discussion about the issues raised by new networks of policing, which reflect a mix of public and private security providers. Following the release of the discussion paper, the Commission entered into a round of consultations with Canadians. The consultations will culminate in "*In Search of Security: An International Conference on Policing and Security*" that will take place in Montreal February 19-22, 2003, and will bring together the world's leading experts on policing and security to examine the complex relationship between public and private police.

The Law Commission has also undertaken to examine "What is a Crime?" The goal of the "What is a Crime?" project is to develop a conceptual framework for understanding the processes that both underlie and inform our response to unwanted behaviours, including the impact(s) of choosing various response and control mechanisms (e.g., the formal legal process, regulatory codes, health and education programs, decriminalization). Why do we criminalize certain behaviours and not others? What are the legal, social, cultural and other factors that influence the decision to criminalize or not criminalize unwanted behaviours? Why do we respond to certain behaviours as a legal, health, educational or lifestyle issue? What are the consequences of responding or not responding in certain ways to deviant behaviour? The Commission plans to release a discussion paper on "What is a Crime?" in early 2003.

The Law Commission is also working on a report that will identify the practical and legal obstacles that may need to be addressed to facilitate access to secured credit, based on intellectual property rights. This report has been commissioned as part of the Commercial Law Strategy of the Uniform Law Conference of Canada. It results from an international conference organized in November 2001 in co-operation with the Ivey School of Business and the Faculty of Law of the University of Western Ontario. Increasing access to credit for enterprises with significant intellectual property assets can be seen as one element of a more comprehensive strategy for enhancing the competitiveness of Canada's information based enterprises.

The Commission has also begun to examine "Globalization: Harmonization and Pluralism." The Commission wants to explore how and to what extent we preserve our multiple systems of law, our norms and legal values, our procedures and processes while responding to the pressure and need to harmonize laws and rules on a global scale. Who participates in decisions to harmonize, and how do these decisions impact on various constituencies? In a separate project on globalization, and in partnership with the Social Sciences and Humanities Research Council, five

papers were commissioned to explore the degree to which Canadian laws, policies, and activities take into account the impact on the social and economic development of other countries.

Finally, following its work on older adults, the Commission has initiated a project on "Seeking Justice between the Generations: Age Distinctions in Laws and Policies." Existing research carried out by the Commission indicates that stereotypes, incorrect assumptions, and concerns about intergenerational sharing of resources and wealth, underlie many of our age distinctions within society. These distinctions are often formulated without regard to the diversity of people within any one age group. The Commission is currently preparing a discussion paper that will seek the views of Canadians on how best to achieve the equality and dignity of all generations while promoting intergenerational justice and respecting differences.

More information about any of the above mentioned projects and events is available on the Commission's website (www.lcc.gc.ca). ▲

CANADIAN CENTRE FOR JUSTICE STATISTICS (CCJS), STATISTICS CANADA

National Trends in Intimate Partner Homicides, 1974-2000

by Valerie Pottie Bunge, Senior Analyst

The purpose of this *Juristat* was to document trends in spousal homicides as well as subgroup variations (i.e. common-law, separated and divorced partners, age group variations, etc.). Using data from the Homicide Survey and a combination of other statistical data sources, this *Juristat* examined spousal homicide trends over the period 1974-2000. These trends were assessed within the context of other factors, including improvements to women's economic and social well-being (e.g. average annual income, delayed marriage and child-rearing), growth in the availability of emergency services for battered women, trends in spousal victims' use of social services, trends in reporting spousal violence to the police, and the evolution of charging and prosecution policies.

Results indicate that in the past 27 years there has been a notable decline in spousal homicides against both men and women. Declines were noted in most sub-groups, most age groups, most regions of the country, as well as among other types of intimate relationships (e.g. boyfriends and girlfriends). The changing nature of intimate relationships and increasing gender equality showed a strong association with this decline. Legislative changes, specialized courts, training of criminal justice personnel and increasing resource availability are also highlighted in this *Juristat*, however direct causal relationships were not investigated. For more information: *Juristat*, Vol. 22 no 5.

Highlights from Recent Releases at CCJS

Case Processing in Criminal Courts, 1999/2000 (Vol. 22, No.13)

- 20% of the total number of adult criminal cases processed in 1999/2000 involved crimes against the person while crimes against property accounted for an additional 25%. Traffic related offences comprised 14% of all cases. The category Other *Criminal Code* (including weapons and public order offences, among others) accounted for 29% of all cases. The remaining percentage of cases (12%) involved other federal statute offences which includes drug-related offences.

Adult Criminal Court Statistics, 2000-2001 (Vol. 22, No.2)

- In 2000-2001, common assault (12%) and impaired driving (12%) were the two most frequently heard offences in court followed by administration of justice offences (11%) which are offences related to case processing (i.e. failure to appear in court, and failure to comply with a probation order.)

Youth Court Statistics, 2000-2001, (Vol. 22, No.3)

- Over half (57%) of the total youth court cases were comprised of the following five offences: theft $5000 and under (15%), failure to comply with a disposition under the *Young Offenders Act* (YOA) (12%), failure to appear (11%), minor assault (10%) and breaking and entering (9%). ▲

CORRECTIONAL SERVICES CANADA

The Over-Representation of Aboriginal Peoples in Corrections: A Comparative Analysis of First Nations, Métis and Inuit Offenders

by John-Patrick Moore

Research suggests that the over-representation of First Nations, Métis and Inuit offenders can be understood through distinct profile characteristics. This project was based upon a one-day profile of First Nations, Métis and Inuit offenders currently incarcerated in federal correctional facilities.

First Nations offenders appear to be characterized by extensive criminal backgrounds. Almost three-quarters (72%) have received 5 or more previous adult convictions and over one-third (35%) have been convicted on 5 or more youth charges. A significantly greater proportion of First Nations offenders are currently incarcerated for violent criminal behaviour (i.e., murder (28%); serious assault (39%), as compared to other offender groups. Furthermore, First Nations offenders are more likely to be classified as maximum security (21%) and have greater difficulty in need areas related to personal well-being (96%), substance abuse (94%), family dysfunction (60%) and employment (70%) when compared to some Aboriginal and non-Aboriginal groups.

Métis offenders are also characterized by their extensive criminal history. Proportions of those previously convicted in adult and youth court are similar to proportions reported for First Nations offenders. However, Métis offenders are more often incarcerated for robbery (40%), break and enter (38%), and drug offences (17%) than other groups. Métis offenders are also more likely to experience significant problems related to personal well-being (95%), employment (71%) and social interaction with criminal associates (70%), as compared to some of their counterparts.

Unlike other Aboriginal groups, a significantly larger proportion of Inuit offenders are incarcerated for sex-related offences (over 60%). Moreover, Inuit offenders are more likely to have high need for comprehensive programming (89%), be classified as high risk (85%), and to exhibit difficulty in the areas of family (73%) and personal well-being (99%). ▲

A Profile of Federal Offenders Designated as Dangerous Offenders or Serving Long-term Supervision Orders

by Shelley Trevethan, Nicole Crutcher and John-Patrick Moore

In 1997, the government passed Bill C-55, amending the *Criminal Code of Canada* with regards to "dangerous offenders" (DOs). The majority of the amendments regarding DOs were procedurally based, however, a new section was added that allowed judges to impose a long-term supervision order (LTSO) for a period of up to 10 years after the custodial sentence was served. This research project examined offenders designated as DOs and LTSOs. In addition, a comparison of the profiles of dangerous offenders classified prior to Bill C-55 and those classified under the new provisions in Bill C-55 was undertaken.

Since January 1994, there have been a total of 274 offenders admitted to federal custody under the DO or LTSO designation. Of these, 179 were DOs and 95 were sentenced to a LTSO. The number of DOs designated each year has remained relatively constant, however, the number of LTSOs has increased each year since the enactment. The Quebec and Prairie regions have larger proportions of LTSOs than DOs, while the Ontario and Pacific regions have larger proportions of DOs than LTSOs. The Atlantic region had similar proportions of DOs and LTSOs.

As expected, DOs had a greater number of previous adult convictions than LTSOs and were considered higher risk to re-offend. Furthermore, DOs were classified as maximum security more often than LTSOs.

DOs and LTSOs did not differ substantially in the type of offence for which they were incarcerated. The majority of both groups had a current and previous sexual offence. Unlike the general inmate population, where only a small percentage of offenders victimize children, elderly or handicapped, large proportions of DOs and LTSOs had victimized children. In comparison to LTSOs, DOs had significantly more female youth and female adult victims. As expected, DOs caused more injury, both physically and psychologically to their victims and were more likely to use a weapon or threaten than LTSOs.

When examining the needs of these offenders, almost all DOs and LTSOs were rated as having higher overall need. However, with respect to the separate need domains, DOs were rated as having higher need in the areas of employment, associates/social interaction, substance abuse, community functioning and attitude.

The examination of DOs prior to and following enactment of the legislation revealed expected results. There were very few significant differences between the pre-groups and post-groups. The major difference indicated that the pre-DO group had, on the whole, greater needs than the post-DO group. ▲

Community Needs Assessment for Métis Offenders in Manitoba
by Manitoba Métis Federation - Winnipeg Region

This project involved a needs assessment to obtain a sense of what needs Métis inmates and their families have, and what services they would find most supportive for successful reintegration. The study involved a survey of approximately 50 respondents from each of three groups in Winnipeg: Métis inmates, family members, and community representatives. Participants were interviewed about their experiences and ideas on reintegration of Métis offenders into the community. In addition, a survey of service providers in the Winnipeg area was undertaken to determine what services were available for Métis offenders.

There is a strong need to develop supports and services that are Métis-specific (i.e., tailored to the needs and culture of Métis people). For instance:

- The criminal justice system is often viewed as imposing "others' justice". Since Métis inmates typically experience alienation from current correctional processes, a strong Métis presence in operating correctional facilities and parole services might help reduce this social distance.
- Within prison, there is a strong need for Métis-specific programming that addresses the following issues: substance abuse; violence/anger management; education and training; job search and retention strategies.
- While in prison, Métis inmates feel cut off from their local communities. Stronger family and Elder visitation programs might help keep inmates connected to their communities.
- A lack of self-esteem and disconnection from Métis culture are often identified as leading to crime and inhibiting the reintegration process. Métis culture and spirituality needs to have a much stronger presence in prison and post-prison life.
- During incarceration and after release, both Métis inmates and their families need support if the probability of successful reintegration is to be enhanced.

Incarcerated offenders and their families typically have multiple deficits. Dealing with such a complex constellation of problems would best be approached through participation in a Métis-operated healing centre. ▲

Turning Points: A Study of Factors Related to the Successful Reintegration of Aboriginal Ex-Offenders Becoming Law-Abiding Citizens
by Doug Heckbert and Douglas Turkington; Co-ordinated by Nechi Training Research and Health Promotions Institute and Native Counselling Services of Alberta

This study examined the lives of 68 Aboriginal ex-offenders who, at one time, had been serious offenders and who had turned their lives around to become law-abiding citizens successfully integrated into the community. The study examined the factors associated with the successful integration of Aboriginal offenders. Participants were interviewed according to a questionnaire on their early years, getting into trouble, getting out of trouble and staying out of trouble.

The majority of the participants said that their childhood years were dysfunctional. Almost two-thirds (62%) described their childhood as negative and 81% described their adolescence as negative. They experienced unstable family environments and living conditions of abuse and neglect. For example, 40% said that they had lived in an orphanage or in foster care and 28% said that they had been placed in a residential school. In addition, 40% reported being abused (physically, mentally, sexually).

In response to their early living conditions, many respondents resorted to crime and violence. The respondents reported committing a large number of offences and have spent considerable amounts of time in the correctional system. When asked what would have prevented them from getting into trouble in the first place, the two main factors were communication and family support.

Gradually, however, the respondents turned their lives around. This process took many different forms and different lengths of time for each person. There were many variables that influenced their getting out of trouble, but some of the main influences were: controlling alcohol and drug use, family support, and feeling sick and tired of being in trouble.

At this point in time, the participants have stayed out of conflict with the law for at least two years, but most have been crime-free for many years. There were many factors that influenced their life choices, but some of the main factors in staying out of trouble include personal values and identity, family, staying clean and sober, self-improvement activities, and friends. For each respondent the pivotal turning point was different. For some, it was the combination of different variables. Change was often slow with many relapses, but change took place. This process of change was often personal, thus, difficult to quantify.

This study also demonstrates that Aboriginal spirituality and cultural activities were a major factor in the respondents' recovery. However, many respondents mentioned that these activities were not always respected while they were in jail. ▲

UNITED STATES DEPARTMENT OF JUSTICE

Recidivism of Prisoners Released in 1994

The US Department of Justice recently released the results of an extensive study into recidivism among offenders. The following represents highlights from that report.

- Within three years from their release in 1994:
  - 68% of the prisoners were re-arrested for a new offence (almost exclusively a felony or a serious misdemeanour);
  - 47% were convicted of a new crime;
  - 25% were re-sentenced to prison for a new crime; and,
  - 52% were back in prison, serving time for a new prison sentence or for a technical violation of their release, such as failing a drug test or missing an appointment with their parole officer.

- Released prisoners with the highest re-arrest rates were those in prison for robbery (70%), burglary (74%), larceny (75%), motor vehicle thefts (79%), those in prison for possessing or selling stolen property (77%), and those in prison for possessing, using, or selling illegal weapons (70%).

- Released prisoners with the lowest re-arrest rates were those in prison for homicide (41%), rape (46%), other sexual assaults (41%), and driving under the influence (52%)

- Within three years, approximately 3% of released prisoners who were in prison for rape were arrested for another rape and 1% of those who had served time for homicide were arrested for another homicide.

- The 272,111 offenders discharged in 1994 had accumulated 4.1 million arrest charges prior to their most recent imprisonment and an additional 774,000 charges within three years of release.

Source: *Recidivism of Prisoners Released in 1994*. (2002). US Department of Justice, Office of Justice Programs. ▲

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